

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:16cr6

ANTHONY L. BURFOOT

**DEFENDANT ANTHONY L. BURFOOT'S BRIEF IN SUPPORT OF MOTION FOR AN EXTENSION
OF TIME PURSUANT TO RULE 45 WITHIN WHICH TO FILE POST-VERDICT MOTIONS**

COMES NOW the defendant, Anthony L. Burfoot, by counsel, and as and for his Motion For An Extension Of Time Pursuant To Rule 45 Within Which To File Post-Verdict Motions, respectfully states as follows:

Post-verdict motions under Federal Rules of Criminal Procedure 29 (c) (1) (post-verdict motion for a judgment of acquittal), 33 (b) (2) (post-verdict motion for new trial), and 34 (b) (post-verdict motion to arrest judgment) must be filed, according to the foregoing Rules, within 14 days of the verdict. Since the verdict was returned in the instant case on December 9, 2016, post-verdict motions under the foregoing Rules would be due no later than December 23, 2016.

Counsel for the defendant has already begun to investigate and prepare those post-verdict motions which he believes he is obligated to file. However, due to the length and complexity of trial, counsel's other current professional obligations, anticipated holiday closings (including counsel's office on December 23) and the immediate and pressing need to address other, collateral consequences of the verdicts involving certain City and recall Petition-related responsibilities, counsel is in need of additional time to prepare and file such motions.

Fed. R. Crim. P. 45 (b) states, in pertinent part, with respect to extending time for such motions, as follows:

(1) In General. When an act must or may be done within a specified period, the court on its own may extend the time, or for good cause may do so on a party's motion made:

(A) before the originally prescribed or previously extended time expires;

Given the foregoing grounds for the need for additional time, counsel respectfully submits that he has demonstrated good cause for the requested extension, which has been at this time made "before the originally prescribed or previously expired time expires." The defendant has discussed by e-mail this proposed requested extension with counsel for the United States, and the United States has advised that it neither objects to nor opposes the proposed extension.

Moreover, given the gravity of the convictions by the jury for the defendant's personal and professional life and the significant collateral consequences thereof, the defendant respectfully submits that the additional time is in the interests of justice for all.

A proposed Order granting the requested extension is being circulated for the ease and convenience of the Court in the event that the Court is inclined to act favorably upon the requested relief, and will be submitted forthwith to the Court for its consideration.

CONCLUSION

For the foregoing reasons, the defendant respectfully submits that he has demonstrated good cause under Rule 45 for an extension of time from December 23, 2016 until January 4, 2017 for the filing of post-verdict motions under Rules 29, 33 and 34, and respectfully requests the entry of an Order to that effect.

ANTHONY L. BURFOOT

By: _____/s/_____
Of counsel

Andrew M. Sacks, Esquire, VSB#: 20082
Stanley E. Sacks, Esquire, VSB# 04305
Attorneys for defendant Anthony L. Burfoot

SACKS & SACKS, P.C.
Town Point Center
150 Boush Street, Suite 501
Norfolk, VA 23510
Telephone: (757) 623-2753
Facsimile: (757) 274-0148
E-mail: andrewsacks@lawfirmofsacksandsacks.com

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

Melissa E. O'Boyle, Esquire
Assistant United States Attorney
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, Virginia 23510
Phone: (757) 441-6331
Fax: (757) 441-6689
Email: Melissa.OBoyle@usdoj.gov

/s/

Andrew M. Sacks, Esquire

Andrew M. Sacks, Esquire, VSB#: 20082
Stanley E. Sacks, Esquire, VSB# 04305
Attorneys for defendant Anthony L. Burfoot
SACKS & SACKS, P.C.
Town Point Center
150 Boush Street, Suite 501
Norfolk, VA 23510
Telephone: (757) 623-2753
Facsimile: (757) 274-0148
E-mail: andrewsacks@lawfirmofsacksandsacks.com

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